

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CRIMINAL JURISDICTION
CRIMINAL APPLICATION NO.6223 OF 2005
IN
CRIMINAL APPEAL NO.877 OF 2005

Bhagwan Shetiba Vitkar

.. Appellant

v/s.

The State of Maharashtra
Through
Taluka

Sr.P.I.,
Daund,

.. Respondent
Daund
Dist.

P.Stn.
Pune.

Mr.Ramesh K. Patil i/by M/s.Jay & Co. for the
appellant.

Mr.Y.S.Shinde, Addl. Public Prosecutor for the
State.

CORAM : SMT.RANJANA DESAI AND
ANOOP V. MOHTA, JJ.

DATED : 17th October, 2005.

P.C.

The appellant was convicted for the offence
under section 302 I.P.C. and sentenced to suffer
life imprisonment by the IInd Additional Sessions
Judge, Baramati in Sessions Case No.54 of 2003.
The case of the prosecution is that the appellant
stabbed his wife to death on 2.12.2002 in the
morning. P.W.3, a co-worker is an eye witness.
The weapon of assault viz. knife was recovered
from the house of the accused. Knife was found
stained with blood, group of which matches with the
blood group of the deceased. On the clothes of the
accused, blood stains were found and the blood
group of those blood stains matches with the blood

group of the deceased. The appellant has inflicted several injuries on the deceased, one of which is inflicted on the chest. The appellant was not on bail in the trial court. Therefore, we are of the opinion that at this stage, he cannot be released on bail. However, the learned counsel for the appellant strenuously contended that the appellant is in jail for about three years. The appellant has two children who are presently being looked after by the grand mother. He submitted that the appellant and the deceased were married for about eight years and there were no complaints from the deceased wife. He states that the incident had taken place on the spur of the moment out of quarrel and the case at the most would fall under section 304 Part I or Part II I.P.C. Though at this stage, we are not inclined to consider this submission, we make it clear that the appellant can renew his application for bail after a period of two years if his appeal is not disposed of by then and we are sure, the court will consider this submission of the appellant in accordance with law at that stage.

2. Application disposed of.

(SMT.RANJANA DESAI, J.)

(ANOOP V. MOHTA, J.)